

2009SP-016-001

1812 Pearl Street Office

Map: 092-08 Parcel: 080

North Nashville Community Plan

Council District 19 – Erica Gilmore

Staff Reviewer: Greg Johnson

A request to rezone from R6 to SP-MU zoning property located at 1812 Pearl Street, at the northeast corner of Pearl Street and 19th Avenue North (0.16 acres), to permit an office and one single-family dwelling unit within the existing structure containing 924 square feet, requested by George S. Morgan et ux, owners.

Staff Recommendation: Disapprove**APPLICANT REQUEST Preliminary SP -Rezone to allow for office and residential uses.**

A request to rezone from One and Two-Family Residential (R6) to Specific Plan-Mixed Use (SP-MU) zoning property located at 1812 Pearl Street, at the northeast corner of Pearl Street and 19th Avenue North (0.16 acres), to permit an office and one single-family dwelling unit within the existing structure containing 924 square feet.

Update for October 22, 2009 Planning Commission meeting At its October 8, 2009 meeting, the Planning Commission voted to defer this item until the October 22, 2009, meeting in order to determine whether the Metro Codes Department and the District Councilmember would allow this decision to be postponed until the completion of the North Nashville Community Plan. The Community Plan update could change the land use policy for this property to one that is consistent with the proposed office use, thereby removing the primary obstacle for approval of the SP.

The Metro Codes Department has a policy that allows an illegal use to continue if it is in the process of a rezoning request to allow the illegal use. Unless complaints are received concerning the office use, Metro Codes will continue to identify this case as “pending” until the completion of the North Nashville Plan and an action has been taken on the rezoning request by Metro Council.

A council bill has been filed for this proposal. Staff contacted Councilmember Gilmore who indicated that she is considering whether to defer this rezoning request until completion of the North Nashville Community Plan Update. Staff will update the Planning Commission at the meeting if a decision has been made.

Update from community meeting of September 28, 2009 At the request of the Planning Commission, staff held a community meeting on September 28, 2009, to discuss the land use policy and this rezoning proposal. Although over twenty property owners were noticed by mail, the only attendees at the meeting were the applicant and the district Councilmember.

The neighborhood in which the applicant’s property is located has a detailed land use policy that encourages residential development in a single-family detached home form. This detailed land use policy reflects not only the existing zoning and existing uses in the neighborhood, it also reflects the designation of Worthy of Conservation placed by the Metro Historical Commission to reflect the historic, single-family housing in the neighborhood. This neighborhood and its single-family detached policy are surrounded by properties with a mix of uses and land use policies that encourage mixed-use. Land uses in these areas include two schools, light industrial and commercial development along the Charlotte Pike corridor. The surrounding areas provide options for mixed-use, while the neighborhood in which the zone change proposal is found, is envisioned to remain a neighborhood of single-family detached homes.

This fall, staff will begin the update of the North Nashville Community Plan, with community meetings beginning in January, 2010. Staff recommends that no plan amendment be undertaken at this time. Rather, during the Community Plan update, staff will discuss the community character policy for this area in the larger context of the community and gain additional input as to its future direction.

Existing Zoning

R6 District R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25% duplex lots. Under the existing R6 zoning the 0.16 acres would permit a maximum of one single family or one two-family residence.

Proposed Zoning

SP-MU District Specific Plan-Mixed Use is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *This Specific Plan includes residential and office uses.*

CRITICAL PLANNING GOALS N/A

NORTH NASHVILLE COMMUNITY PLAN

Existing Policy

Single Family Detached (SFD) in NU SFD is intended for single family housing that varies based on the size of the lot. Detached houses are single units on a single lot.

Neighborhood Urban (NU) NU is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy? No. The proposed SP is not consistent with the North Nashville Community plan's SFD in NU land use policy. While the SP would not impact the exterior of the existing residence, this policy was adopted in the Watkins Park Detailed Neighborhood Design Plan and is intended to maintain the existing single-family residential character of development within the policy boundary from further encroachment of non-residential uses.

PLAN DETAILS The property, zoned for one and two-family residential and proposed for a Specific Plan – Mixed Use, is approximately 0.16 acres in size and is located at the northeast corner of 19th Avenue North and Pearl Street, one block north of Charlotte Avenue. The property is developed and consists of a single-family dwelling. Single-family dwellings surround the subject property on three sides, several of which are identified by the Metro Historical Commission as “Worthy of Conservation.” A commercial business with frontage on Charlotte Avenue, 19th Avenue, and Pearl Street is located to the southeast of the subject property. Two Metro public schools, Head Middle School to the west and Martin Luther King Jr. High School to the northeast, are located within a quarter-mile of the subject site.

The SP would permit office within the existing residential structure, but it does not propose any additional built square footage beyond the existing 924 square foot dwelling.

Vehicular access is available to the property along 19th Avenue. The Zoning Code requires one parking space for the residential use and does not require a space for the office use because the property is located within the Urban Zoning Overlay.

Analysis As noted above, while the SP will not impact the exterior of the existing residence, the proposed use is not consistent with land use policy. This policy was proposed through the Watkins Park Detailed Neighborhood Design Plan and is intended to maintain the existing single-family residential character of development within the policy boundary. This policy area is eligible to become a locally-designated historic overlay district because it is identified by the Metro Historical Commission as containing a collection of single-family properties that are labeled as “Worthy of Conservation.” Additionally, this policy area is located between two Metro public schools and would maintain a residential presence surrounding these schools.

If approved, staff is recommending conditions of approval addressing signage and landscape buffers that will allow better integration of this office use among surrounding single-family dwellings. These conditions require that no signage be allowed for the office use, and that a “B” buffer will be required along the interior property lines. This buffer type is consistent with the requirements of the Zoning Code for ON zoning where it abuts R6 zoning.

PUBLIC WORKS RECOMMENDATION

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.
2. Submit a dimensioned site plan. Label and dimension right of way along 19th Avenue North and Pearl Street. Dimension pavement widths. Identify existing driveway connections, utilities, etc.
3. Identify parking requirements.

Maximum Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.16	7.71 D	1 L	10	1	2

Maximum Uses in Proposed Zoning District: SP-MU

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Tenant Office Building (715)	0.16	-	924 Sq. Ft.	11	2	2

Maximum Uses in Proposed Zoning District: SP-MU

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.16	-	1	10	1	2

Traffic changes between maximum: R6 and proposed SP-MU

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	0.16	-	-	+11	+2	+2

STAFF RECOMMENDATION Staff recommends disapproval because the request is not consistent with land use policy. Due to the pending update of the North Nashville Community Plan, staff does not recommend amending the community plan at this time.

CONDITIONS (if approved)

1. Signage shall not be allowed within this SP.

2. One off-street parking space shall be required for the residential land-use. Provide one off-street parking space within the property and show the location of this parking space on the revised preliminary plan. Parking shall meet the requirements of the Zoning Code for the proposed uses.
3. Provide a B-5 landscape buffer (as illustrated in section 17.24.240 of the Metro Zoning Code) along the east and north property lines. The buffer shall not be required next to the existing building along the east property line. A six foot tall opaque fence shall be provided in this location.
4. Uses permitted within this SP are general office and one single-family dwelling unit. No other uses shall be permitted.
5. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.
6. Submit a dimensioned site plan. Label and dimension right-of-way along 19th Avenue North and Pearl Street. Dimension pavement widths. Identify existing driveway connections, utilities, etc.
7. Stormwater requirements shall be included on the corrected copy of the preliminary SP plan.
8. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the ON zoning district for all office uses and the R6 zoning district for all residential uses as of the date of the applicable request or application.
9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
10. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
11. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
12. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act.

Mr. Johnson presented and stated that staff is recommending disapproval.

Mr. George Morgan spoke in favor of the proposed zone change request.

Mr. Gotto requested additional clarification on the requested use and its compatibility with the surrounding parcels located in the area.

Mr. Johnson explained the uses to the Commission.

Mr. Gotto acknowledged the applicant's need to rezone the parcel. He then acknowledged the fact that the parcel in question, as well as the surrounding parcels, would soon be restudied in the North Nashville Community Plan Update, which could possibly undergo changes. He spoke of the Councilmember's support and that there was no opposition voiced from the community. He stated he would support the request.

Mr. Gee agreed with the reasons to approve the request as mentioned by Mr. Gotto and added that the staff conditions placed on the proposal would mitigate any negative impacts that the use would have on the surrounding community.

Mr. Ponder questioned whether the plan should include a condition that would address any future uses on the parcel.

Mr. Bernhardt explained that any future uses that did not comply with the conditions and requirements of the proposed specific plan would need to follow the rezoning process.

Dr. Jones questioned whether a condition was included that would address any issues associated with outdoor lighting.

Mr. Johnson explained that there were no conditions related to outdoor lighting.

Dr. Jones explained she was in favor of approving the request and suggested including a condition that would address outdoor lighting.

Mr. Gee verified with both staff and the applicant that the property did not currently include any non-residential lighting.

Mr. Tyler moved and Mr. Gee seconded the motion, which passed unanimously, to approve with conditions, Zone Change 2009SP-016-001, including a condition that only standard residential lighting shall be permitted. **(7-0)**

Resolution No. RS2009-139

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-016-001 is **APPROVED WITH CONDITIONS, including a condition that only standard residential lighting shall be permitted. (7-0)**

Conditions of Approval:

1. Signage shall not be allowed within this SP.
2. One off-street parking space shall be required for the residential land-use. Provide one off-street parking space within the property and show the location of this parking space on the revised preliminary plan. Parking shall meet the requirements of the Zoning Code for the proposed uses.
3. Provide a B-5 landscape buffer (as illustrated in section 17.24.240 of the Metro Zoning Code) along the east and north property lines. The buffer shall not be required next to the existing building along the east property line. A six foot tall opaque fence shall be provided in this location.
4. Uses permitted within this SP are general office and one single-family dwelling unit. No other uses shall be permitted.

5. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.
6. Submit a dimensioned site plan. Label and dimension right-of-way along 19th Avenue North and Pearl Street. Dimension pavement widths. Identify existing driveway connections, utilities, etc.
7. Stormwater requirements shall be included on the corrected copy of the preliminary SP plan.
8. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the ON zoning district for all office uses and the R6 zoning district for all residential uses as of the date of the applicable request or application.
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11. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
12. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act.

While the existing business and proposed SP-MU district is not consistent with the North Nashville Community Plan's Single-Family Detached in Neighborhood Urban policies, the proposed SP-MU with staff and Commission conditions should not be intrusive to the existing residential community, and is similar to other uses in the area."